



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
PO Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/027,089	02/02/1998	FRANK H. PRORTUGAL	CAB-001	2654

7590                    07/08/2003

MILLEN,WHITE,ZELANO & BRANIGAN,P.C.  
2200 Clarendon Boulevard, Suite1400  
Arlington, VA 22201

EXAMINER

SOUAYA, JEHANNE E

ART UNIT	PAPER NUMBER
1634	

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT

PAPER

51

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b> 09/027,089	<b>Applicant(s)</b> PRORTUGAL, FRANK H.
	<b>Examiner</b> Jehanne E Souaya	<b>Art Unit</b> 1634

**All Participants:****Status of Application:** Non final rejection(1) Jehanne E Souaya.

(3) \_\_\_\_\_.

(2) Richard Traverso.

(4) \_\_\_\_\_.

**Date of Interview:** 2 July 2003**Time:** \_\_\_\_\_**Type of Interview:**

- Telephonic  
 Video Conference  
 Personal (Copy given to:  Applicant     Applicant's representative)

Exhibit Shown or Demonstrated:  Yes     No

If Yes, provide a brief description:

**Part I.****Rejection(s) discussed:***claims 46 and 47: New Matter rejection under 112 first paragraph; and 112/2<sup>nd</sup> paragraph rejection**Claims 48 and 49: 112/2<sup>nd</sup> rejection***Claims discussed:**

46-49

**Prior art documents discussed:**

none

**Part II.****SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:***The examiner indicated that rejections to the claims as stated above had not been addressed, and that a notice of non responsive amendment would be sent.***Part III.**

- It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
 It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

Jehanne Souaya

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Claims 19-35 and 37-49 are pending in the instant application.

***Response to Amendment***

1. The reply filed on April 24, 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the amendment and reply do not address 1) the New Matter rejection under 35 USC 112/first paragraph with regard to claims 46 and 47 (see previous office action, paragraph bridging pages 6 and 7), 2) the rejections made under 35 USC 112/2<sup>nd</sup> paragraph, with regard to claims 46 and 47 “hybridized oligonucleotide are separated into at least two portions” (see previous office action, page 16, last paragraph, lines 1-4), and with regard to claims 48 and 49 (see previous office action, page 17). Applicant’s response indicates that the claims have been amended as suggested to place the application in condition for allowance, however these rejections have not been addressed. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. The amendments to the claims submitted in the reply filed April 24, 2003 would render claims 19-24 and 26-35 allowable. Claims 25 and 37-45 were indicated as allowable in the previous office action.

3. The formal drawings submitted on March 24, 2003 have been approved by the examiner.

Application/Control Number: 09/027,089  
Art Unit: 1634

Page 3

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Jehanne Souaya whose telephone number is (703) 308-6565. The examiner can normally be reached Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones, can be reached on (703) 308-1152. The fax phone number for this Group is (703) 305-3014.

Any inquiry of a general nature should be directed to the Group receptionist whose telephone number is (703) 308-0196.

*Jehanne Souaya*

Jehanne Souaya  
Primary Examiner  
Art Unit 1634

*July 2, 2003*